



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,135	01/26/2001	Michael Scott Baldwin	BALDWIN 4-2-53-5	7086
26291	7590	05/20/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			MEUCCI, MICHAEL D	
		ART UNIT		PAPER NUMBER
		2142		
DATE MAILED: 05/20/2004				

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/770,135	BALDWIN ET AL.
	Examiner	Art Unit
	Michael D Meucci	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Detailed Action

Oath/Declaration

1. Application does not identify the citizenship of Paul C. Lustgarten. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kronz (U.S. 6,675,196 B1).

- a. As per claim 1, Kronz teaches transmission and reception of electronic mail with a reliable byte-stream transport (lines 38-39 of column 19); and the steps:
 - transmitter connecting to receiver (lines 20-22 of column 19)
 - receiver sending a greeting to the transmitter (lines 23-29 of column 19)
 - transmitter replying the receiver with a greeting and an envelope (lines 30-34 of column 19; wherein envelope is the service-command identifying a particular service to be performed by the server device).
 - receiver replying the transmitter with status (lines 35-38 of column 19)

- transmitter receiving envelope status and sending message (lines 32-34 of column 19)
- receiver receiving message and replying the message status (lines 36-38 of column 19).

b. As per claim 3, Kronz teaches transmission and reception of electronic mail as carried over an 8-bit channel (lines 27-29 of column 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Skeen et al (U.S. 5,257,369) and Holmes et al. (U.S. 6,134,432).

Kronz teaches the receiver receiving a complete message (lines 52-54 of column 13 in Kronz), but fails to teach the receiver discarding record of the status of the previous message as being in transit, and the transmitter sending a new envelope without a greeting to the receiver.

However, Skeen et al. and Holmes et al. disclose the constraints respectively:

- Skeen et al. discloses flushing the retransmit buffer once all packets have been successfully received, thereby discarding records of message as being in transit (lines 1-5 of column 6 in Skeen et al.).

- Holmes et al. disclose the client, once authenticated, proceeding with message submission until either side terminates the session (lines 26-28 of column 15 in Holmes et al.) and thereby not sending a new greeting. Transmission of a new envelope is inherent since different messages can contain different header information (lines 24-25 of column 15 in Holmes et al.).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to discard records of the status of the previous message as being in transit. Discarding records of the status of the previous message as being in transit will make room for information of the next message (lines 4-5 of column 6 in Skeen et al.). It is for this reason that one or ordinary skill in the art would have been motivated to discard records of the status of the previous message as being in transit in Kronz's protocol, as taught by Skeen et al.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to have the transmitter send a new envelope without a greeting to the receiver. Sending a new envelope without a greeting will allow the connecting host to proceed with message submission until either side terminates the session, thereby reducing overhead for sending and receiving the greeting for each message (lines 24-28 of column 15 in Holmes et al.). It is for this reason that one or ordinary skill in the art would have been motivated to have the transmitter send a new envelope without a greeting to the receiver in Kronz's protocol, as taught by Holmes et al.

b. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Fielding, R., "RFC 2068".

Kronz fails to teach imposing no line-length limits on the messages. However, Fielding discloses the HTTP protocol as not placing any limit on the length of a Uniform Resource Identifier (URI) (paragraph 4, page 15 of 127 in Fielding).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to impose no line-length limits on the messages as in Fielding. Servers must be able to handle the URI of any resource they serve, and should be able to handle URIs of unbounded length (paragraph 4, page 15 of 127 in Fielding). It is for this reason that one of ordinary skill in the art would have been motivated to impose no line length limits in Kronz's protocol, as taught by Fielding.

c. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Yamasaki (U.S. 5,699,517).

Kronz fails to teach suppression of duplicate messages. However, Yamasaki discloses suppressing duplicate response (line 2 of column 9 in Yamasaki).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to include duplicate message suppression in order to avoid transmission of response messages having the same response information data on the network in a duplicate manner (lines 4-6 of column 9 in Yamasaki). It is for this reason that one of ordinary skill in the art

would have been motivated to include message suppression in Kronz's protocol, as taught by Yamasaki.

d. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Richardson, Christopher (Google Group comp.os.linux.answers, 01/07/1998).

Kronz fails to teach implementing loop detection. However, Richardson discloses qmail supports host and user masquerading, full host hiding, virtual domains, null clients, list-owner rewriting, relay control, double-bounce recording, arbitrary RFC 822 address lists, cross-host mailing list loop detection, etc (lines 21-24, paragraph 1 of page 2 in Richardson).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to implement loop detection. Loop detection would limit the machine load (line 19, paragraph 1 of page 2 in Richardson). It is for this reason that one of ordinary skill in the art would have been motivated to implement loop detection in Kronz's protocol, as taught by Richardson.

e. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Elliott et al. (U.S. 5,764,241).

Kronz fails to teach not requiring carriage returns and line feeds in a message body. However Elliott et al. discloses ignoring carriage returns and line feeds (lines 9-10 of column 44 in Elliott et al.), which thereby makes them not required.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to ignore carriage returns and line feeds so they can be used as token separators (lines 10-11 of column 44 of Elliott et al.). It is for this reason that one of ordinary skill in the art would have been motivated to not require carriage returns and line feeds in a message body.

f. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Sriram (U.S. 5,463,620).

Kronz fails to teach the transmission of data between transmitter and receiver as being asynchronous. However, Sriram discloses the asynchronous transfer mode (ATM) standard (lines 41-42 column 1).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to utilize the asynchronous transfer mode standard because it is able to handle many more diverse kinds of traffic than the low-speed networks of the past (lines 41-43 of column 1). It is for this reason that one of ordinary skill in the art would have been motivated to transmit data between transmitter and receiver asynchronously.

g. Claims 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Foster et al. (U.S. 5,583,993).

Kronz fails to teach transmitter dropping connection with the receiver if transmitter detects loss of synchronization and receiver dropping connection with the transmitter if receiver detects loss of synchronization. However, Foster et al. discloses reinitiating participation to reestablish synchronous communication (Abstract) which

implies that synchronous communication was lost and detected. Foster et al. also discloses closing the view to terminate participation in the session (Abstract) and therefore can be done by transmitter or receiver, whichever one detects loss of synchronization.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to have the transmitter/receiver that detects the loss of synchronization drop the connection with the other so time is not wasted with an unsynchronized connection.

h. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Freed, N. (RFC 2045, 1996).

Kronz fails to teach transmitting and receiving message as raw unconverted data. However, Freed discloses many media types, which could be usefully transported via email, are represented, in their "natural" format, as 8bit character or binary data (section 6, paragraph 1, lines 1-2).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to transmit and receive messages as raw unconverted data because it (their natural format) is utilized by many media types (section 6, paragraph 1, lines 1-2). It is for this reason that one of ordinary skill in the art would have been motivated transmit and receive messages as raw unconverted data.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ghani et al. (U.S. 6,215,769 B1) discloses enhanced acknowledgement pacing device and method for TCP connection.

Bilgic, (U.S. 5,974,310) discloses communication control for a user of a central communication center.

Isoyama et al. (U.S. 6,680,946 B1) discloses Layer 3 flow-switching method and system.

Shimoosawa (U.S. 6,658,456) discloses electric mail transferring apparatus and electric mail transferring method.

Miyazono (U.S. 5,383,203) discloses compact device for correction a header error in ATM cells.

Kivi-Mannila et al. (U.S. 5,539,750) discloses method for receiving a signal used in a synchronous digital telecommunication system.

Zuranski et al (U.S. 6,161,203) discloses communication system utilizing Reed-Solomon code to achieve auto frame synchronization acquisition.

Bezaire et al. (U.S. 5,758,088) discloses system for transmitting messages, between an installed network and wireless device.

Boaz et al. (U.S. 5,333,266) discloses method and apparatus for message handling in computer systems.

Generous et al. (U.S. 2002/0120697 A1) discloses multi-channel messaging system and method.

Tomkow (U.S. 2002/0144154 A1) discloses system and method for verifying delivery and integrity of electronic messages.

Wenocur et al (U.S. 2002/0178360 A1) discloses system and method for communicating a secure unidirectional response message.

Khare (The spec's in the mail) discloses HTTP and FTP.

Batista (Hypermedia Mail over WWW) discloses MMM, SMHMS and HTTP.

Ahrens (A radio protocol for TCP/IP application) discloses HTTP, SMTP protocol.

Read (WWW in an Open Office System) discloses SMTP, MIME.

Burns (ADMIN: Length limits) discloses line length limits.

BACH (Complete Address Traces!) discloses no line length limits

Karwin (Re: Help Interbase 5.1) discloses no length limits for files.

McMurtrie (Re: Length limit on query string?) discloses no length limit for GET function.

Postel (RFC 821) discloses SMTP request for comment.

Finseth (RFC 1492) discloses access control protocol TACACS.

Tzerefos (A comparative study of simple mail transfer protocol (SMTP), post office protocol (POP), and X.400 electronic mail protocols) discloses SMTP, FTP, POP3, X.400 characteristics.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM and every other Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.



JACK B. HARVEY
SUPERVISORY PATENT EXAMINER